

D2019-046

Ingrid Augustine

From: Ingrid Augustine
Sent: Tuesday, September 17, 2019 4:57 PM
To: carsonplank@yahoo.com
Cc: Julie Liang
Subject: Letter
Attachments: Plank Letter with Enclosure_9.17.19.pdf

Good Afternoon Ms. Plank,

Please find attached letter with enclosure from Julie Liang, Esq., Assistant General Counsel.

Thank you,
Ingrid



Ingrid Augustine
Senior Paralegal
General Counsel's Office
6010 Cattleridge Blvd.
Sarasota, Florida 34232
Phone Number: (941) 861-4058
Ingrid.Augustine@sarasotasheriff.org
SarasotaSheriff.org



"Please Note: All mail to and from the Sarasota County Sheriff's Office is subject to the Public Records Law of Florida."



SARASOTA COUNTY SHERIFF'S OFFICE

FAIRNESS * INTEGRITY * RESPECT * SERVICE

SHERIFF TOM KNIGHT

COLONEL KURT A. HOFFMAN, CHIEF DEPUTY

September 17, 2019

VIA ELECTRONIC MAIL

Ms. Carson Plank
carsonplank@yahoo.com

Re: Official Complaint

Dear Ms. Plank:

I am in receipt of your complaint submitted on September 8, 2019. I have reviewed the documents related to your career service board, the pre-trial intervention agreement you signed related to your criminal case, and the internal affairs case against you. Based on the review of the above materials, I have made a determination that no further action will be taken on your complaint.

Should you have any questions, please contact me at (941) 861-4931 or julie.liang@sarasotasheriff.org.

Respectfully,

TOM KNIGHT, SHERIFF

A handwritten signature in cursive script that reads "Liang".

Julie A. Liang, Esq.
Assistant General Counsel
Sarasota County Sheriff's Office

Enclosures: Official Complaint

cc: File # D2019-046



6010 CATTLERIDGE BLVD. * SARASOTA, FL 34232 * WWW.SARASOTASHERIFF.ORG * 941.861.5800
ACCREDITED FULL SERVICE LAW ENFORCEMENT AGENCY
EQUAL OPPORTUNITY EMPLOYER



To Sheriff Tom Knight, Colonel Kurt Hoffman, and the Internal Affairs Office at the Sarasota County Sheriff's Office:

I, Carson Plank, am making the following complaint against your agency regarding the conduct as well as the actions and inactions taken during the course of the investigation which led to my arrests and termination from your agency. It is my hope that this will result in a fair and complete investigation into the following allegations and that correct and immediate action will be taken accordingly.

- In December of 2016, Deputy Frankie Bybee was placed on administrative leave due to a complaint made by Marcia Sohl. To this date I am unaware of what the initial complaint was that placed Bybee on administrative leave. Some time after being placed on administrative leave, Bybee informed me he was on administrative leave due to a complaint made by Sohl and advised me that Sohl lived within my assigned zone. At some point Bybee informed me that he'd been contacted by Deputy Stephen Collison who informed him he'd placed Sohl under a Baker Act and that she was making statements about Bybee. When Bybee informed me he'd been contacted by Deputy Collison, I also became aware that there had been a call for service at Sohl's residence on January 11th, 2017 at 1632 hours which was ultimately cleared by deputies as a Signal 67WELF, Welfare Check, and was cleared with only comments and not a report. I informed Bybee of this call screen and sent him a photograph of the call screen which is public record and retrievable by anyone under Florida State Statute 119 and was retrieved later on by my attorney via a public records request from the Sarasota County Sheriff's Office. This call screen was not confidential information.
- In the early morning hours of January 12, 2017, the Sarasota County Emergency Operations Center 911 dispatch received a 911 call from Mary Ann Dombro regarding a call for service at 3296 Brockton Lane in Zone 7 of Sarasota County. Dombro stated Marcia Sohl called her and said someone had tried to kill her.
- I was meeting with Sergeant Jonathan Allen at the time that I was dispatched to the call at 3296 Brockton Lane. Due to my previous knowledge that Bybee was on administrative leave due to a complaint from Sohl, I requested Sergeant Allen come to the call with me. Sergeant Allen and I arrived at the call simultaneously and at no time was I present alone.
- While on scene, Sergeant Allen assumed the role of lead investigator and was the one calling the shots. Sergeant Allen and I took turns speaking with Sohl as she would not allow either of us to leave her eyesight for long to search the house for evidence with only our flashlights as illumination due to Sohl's demands.
- While Sergeant Allen was speaking with Sohl as she was seated in a chair in the living room, I observed a spot on the coffee table in the living room on the furthest opposite point of the table as possible from Sohl's position. The coffee table was a dark wood stained Mahogany color and the spot I observed was slightly darker in color. Immediately upon observing this spot I knelt down to get a better look and then photographed it with my agency issued iPhone to preserve it as possible evidence. I subtly requested Sergeant Allen come over to me as to not upset Sohl. Sergeant Allen stepped over to my location and I motioned towards the spot to bring it to his attention. I was under the impression Sergeant Allen also saw what I'd seen. Sergeant Allen shrugged, which I interpreted to mean he did not care about the spot. He then resumed his conversation with Sohl.
- Day shift deputies ultimately relieved myself and Sergeant Allen, and Deputy Chris Butler informed me he would be writing the report for the call.

- While still on scene with Sergeant Allen, Deputy Butler and Deputy Russell Reynolds, Sergeant Allen independently, with no advice or suggestion from me or anyone else, made the determination that the call was nothing more than a suspicious incident and that no crime had occurred and no one, especially not Bybee, had been in Sohl's residence. Sergeant Allen suggested I call Bybee to inform him of the incident, which I did in compliance with an order from a supervisor. Bybee did not answer my phone call, which I relayed to Sergeant Allen, who did not at any time inform me I was no longer to try to inform Bybee of the incident or to speak with him. There is no evidence in a Suspicious Incident, and due to Sergeant Allen's classification of the call as such the photograph went out of my mind and I did not upload it, however I had never uploaded a photograph previously for a Suspicious Incident nor was it common practice at this time for deputies at your agency to do so.
- Upon my return home after leaving the scene, Bybee texted me in response to my attempt to contact him previously. Due to Sergeant Allen telling me to inform him of the incident, I did just that. I informed Bybee of the allegations against him and informed him of Sergeant Allen's determination that no crime had occurred.
- Prior to the start of my next shift I was given an order by Sergeant Allen that I needed to come to CIS. While enroute to CIS, I reached out to Bybee to inquire if he knew why I was being summoned there, as I was under the impression from Sergeant Allen and my observations at the scene that no crime had occurred and it was a mental health related call. Bybee informed me he did not know why I was being summoned there but advised me someone had contacted him and told him forensics had been at Sohl's residence earlier that afternoon. I did not ask Bybee how he knew this and he did not volunteer this information.
- I arrived at CIS and remained there for several hours as detectives took turns interviewing each of the deputies who'd had contact with Sohl recently as well as seizing our work phones and attempting to retrieve any and all data from the phones. We were all later informed that the data retrieval had not been successful and they would be keeping our phones until they were able to get the data.
- I was interviewed by Detective Gaeta and Sergeant Shurtleff who informed me they were following up on the call I'd responded to and they repeatedly classified it as a 13i, Suspicious Incident. Detective Gaeta asked me very direct questions to which I gave her very direct answers. At no time did I attempt to hide any information or dissuade detectives in any way. Very blunt questions were asked and blunt answers were given in response. At no time did Detective Gaeta ask me if there was anything else I wanted to tell them, or ask me the questions it appears she intended to ask me, or specifically ask me if I'd spoken with Bybee. I did not make any untruthful statements and every answer I provided was based on my interpretation of the question asked. Detective Gaeta did a less than adequate interview based off the information she apparently was attempting to gather. I was not read Garrity at any time during this interview nor was I ever informed that this interview was being conducted for the investigation of a crime. I was repeatedly informed that it was for a Suspicious Incident. I was sadly unaware of Garrity rights at this time and did not know better than to find this odd due to the lack of training on Garrity rights provided by your agency. As far as I knew this was standard procedure for any criminal allegation against a deputy especially given the fact that your Internal Affairs office did not and still to my knowledge does not have a detective assigned to criminal allegations against deputies and refers these to CIS detectives, unlike other agencies in this area.
- On January 19th I awoke in the early morning to several missed calls on my cell phone. Being a nightshift deputy I had only just gone to sleep an hour or two before. I received another call

which I answered and was made aware that Detective Gaeta and Detective LeFebvre were outside my front door and that I needed to get up and come to the door. Both detectives then told me I needed to get dressed and come with them to the Sheriff's Office. I requested to drive myself and was told I was not permitted to do so. My mother was standing behind me in our house and heard this exchange. I went with detectives at their commands under the impression I had no other choice and asked them several times what was going on and why I had to come with them, however I did not receive a response. We arrived at the Sheriff's Office where I was placed into an interrogation room and locked in for many hours. I was interrogated at length by both Detective Gaeta and Detective LeFebvre who initially stated they were following up on the previous interview, however later on made it clear that I was now a criminal suspect and was not free to leave. Detective Gaeta and Detective LeFebvre locked the door to the interrogation room each time they left and prevented me from being able to leave the room even if I would have tried to do so. At one point Detective LeFebvre can be heard on the recording from the interrogation room saying that I am not free to leave and that I need to be kept in the room a little longer. During this interrogation, Detective LeFebvre and Detective Gaeta repeatedly made insinuations that I was involved in a sexual affair with Bybee, obviously due to the fact I was 22 years of age and an attractive female, which meant I could not be friendly with any males without there being an assumption of sexual activity taking place despite the fact I worked in a male dominated field. At no time during this interview was I provided with Garrity or Miranda rights. During the interrogation, Detective LeFebvre coerced me into giving consent to seize and search my personal phone by telling me that they would be getting my phone either way by either consent or a search warrant and to make it easier I could give consent. At the time of this coercion, Detective LeFebvre was holding my cell phone in his hand and I did not feel I was free to decline his demand for access to my phone. I was informed my phone would be returned to me later that day or the following day, however I did not receive my phone back until the Summer of 2019, more than two years later. I was informed that detectives would only be looking through my phone for things related to Bybee and/or Sohl, however I was notified by members of your agency later on that they'd been confronted about the content of conversations that had taken place between me and that agency member over text messages that were present on my phone.

- At the conclusion of this interrogation I was taken into Major Richard's office and lectured on how I should be ashamed of my behavior and then placed on administrative leave. I was driven home by two lieutenants in uniform, whose names I am not aware of. These lieutenants entered my home and my bedroom to retrieve my firearm and other agency property. I was then left at home alone with no phone or means of contact with anyone.
- Later that day Sergeant Kaskey and Sergeant Shurtleff returned to my residence on two separate occasions regarding access to my cell phone due to some sort of technological encryption to which I was unaware of and still do not understand to this day. I provided the agency with every means I believed possible to get into my phone at the initial seizure, however given that agency members continued to come to my residence over and over again it is obvious that I was not able to withdraw my consent or limit the scope of the search of my phone. On the second visit to my residence, Sergeant Kaskey provided me with an agency owned iPhone so that the agency could contact me anytime they pleased.
- On February 9th, 2017, I was called by Detective Gaeta who stated they needed me to come back to the office "to cross some T's and dot some I's." I, believing that I was going back to work, immediately went to the office where I was placed into the same interrogation room and the door was locked once more. Detective Gaeta and Detective LeFebvre eventually came back into the room and advised me they had a warrant for my arrest however stated they wanted to speak with me more. Detective LeFebvre proceeded to read me Miranda, however forgot to read the waiver

at the end of it which states "Do you understand each of these rights as I have explained them to you? Having these rights in mind, do you wish to talk to me?" Despite his omission of the waiver, I declined to speak with detectives and requested an attorney. I was then placed under arrest and put into handcuffs, walked through the Sheriff's Office, down Ringling Boulevard, and booked into the jail.

- Jail staff and corrections deputies did not do **ANYTHING** wrong and treated me with the utmost respect did everything they could possibly do to make the most humiliating day of my life survivable. I do not wish for any repercussions to come down upon a single staff member of the jail.
- From February 9th, 2017 to May 5th, 2017, I remained on administrative leave while receiving the occasional phone call from the Sheriff's Office in which I was threatened by Internal Affairs Lieutenant Mercurio and Sergeant Reilly in an effort to circumvent my attorney's presence. I was repeatedly informed that I was still employed by the Sheriff's Office and that I was to "answer my phone when called and not to call my attorney before returning a missed call to the Sheriff's Office."
- On April 23rd, 2017, Detective Marc LeFebvre was taken into involuntary custody by the Manatee County Sheriff's Office under the Baker Act after having made suicidal statements. This is documented under Manatee County Sheriff's Office Case # 2017-0113000 and the report for which can be retrieved and has been retrieved via public records request. Detective LeFebvre remained on administrative leave for his Baker Act for some time.
- On May 5th, 2017, I received a phone call from my attorney, Andrea Mogensen, who told me that Detective Gaeta had authored a Probable Cause Affidavit for my arrest, this time for a felony, and that I should expect Deputy Brian Barrett to be kicking down my door to arrest me at any time. Despite the shock of this, I told her I would go to the Sarasota County Jail to turn myself in and asked her to communicate that to the Sheriff's Office to prevent the door of my parents' home from being kicked in and their home swarmed by members of your agency. I did just that and was placed under arrest by Detective Gaeta in the lobby of the Sarasota County Jail.
- Once again, jail staff and corrections deputies did not do **ANYTHING** wrong and treated me with the utmost respect did everything they could possibly do to make the one of the two most humiliating days of my life survivable. I do not wish for any repercussions to come down upon a single staff member of the jail.
- This felony arrest allowed your agency to begin my termination. On May 24th, 2017, I was terminated from your agency, all records of which you should have.
- On May 23rd, 2017, I participated in a Pre-Disciplinary Hearing with your Corrections Captain Brian Meinberg. The audio and transcripts to this should be part of your records. Multiple times during this hearing I was interrupted by Meinberg, seemingly in an attempt to redirect my focus. At one point I specifically asked Meinberg if he had reviewed any of the transcripts of my interviews to which he replied he had not. I repeatedly tried to explain the truth of the situation to Captain Meinberg, although his report directly contradicted the statements made by me and confirmed via the transcripts. I advised Captain Meinberg I was of the opinion that no one at the Sarasota County Sheriff's Office had taken the time to review the transcript of each interview and interrogation to compare to each other and to the allegations made against me. Captain Meinberg advised me at the beginning of the hearing that the purpose of the hearing was to protect me from "erroneous or arbitrary and adverse disciplinary action" however he not only completely failed to protect me from the erroneous, arbitrary and adverse disciplinary action that followed, but also

repeatedly misquoted me and misled the rest of the agency and the general public with the report he authored following the hearing. This can be easily proven by a comparison of the transcription from the hearing against Captain Meinberg's report.

- I then elected to participate in a Career Service Appeal Board hearing in another attempt to get someone at your agency to take the time to read the transcripts and evaluate the evidence and realize that the claims made against me were false. The Career Service Appeal Board was held July 11th and 12th of 2017 and the board was comprised of Sergeant Christopher Iorio, Deputy Christopher Butler, Sergeant Darrell Seckendorf, Captain David Parisi and Major Jeffrey Bell. I provided testimony under oath during the CSAB hearing and was repeatedly accused of having an affair with Bybee by your attorney Patrick Duggan who additionally stated he had a photograph of me with Bybee on a boat which not only does not exist, but cannot exist as I'd never even seen Bybee outside of work and had absolutely never been on a boat with him or with him anywhere else. I asked to see this photograph and Duggan failed to provide it.
- Your agency failed to produce Detective Marc LeFebvre for the CSAB hearing, although he was the original arresting detective and his testimony was paramount. You prevented me from having a fair hearing by not producing him.
- Detective Gaeta provided sworn testimony under oath during my CSAB hearing and was questioned by my attorney, Andrea Mogensen. In response to the questioning, Detective Gaeta admitted on multiple occasions to writing false statements in the Probable Cause Affidavit that she authored to charge me with a felony. Detective Gaeta also admitted to making false statements to Internal Affairs during her interview with them regarding my investigation. Several high ranking members of your agency, including but not limited to the Captain and Major that were serving on the CSAB board on behalf of the Sheriff as well as Internal Affairs Lieutenant Mercurio were present, and not a single agency member attempted to intervene or follow up on Detective Gaeta's admissions of writing false statements in the PCA and providing false statements to Internal Affairs. There has been no action taken against Detective Gaeta for these admissions.
- The result of the CSAB was two votes to retain my employment and three votes to terminate my employment. At the conclusion of the CSAB hearing, Major Bell stated to me "I do not believe that you conspired with him in order to attempt to or assist him in getting away with attempted murder.....Nor do I believe the discipline that was issued in this case was based on your misclassification or misunderstanding of what occurred at the scene that day. However at a minimum you failed to recognize the seriousness of the situation at hand.....I also keep in mind that our responsibility here is not to reinvestigate the criminal case but to determine if employment action was just." Major Bell also advised the other board members, on the record, that my employment could not be retained simply because I'd been arrested for a felony, regardless of the legality of my arrest. This statement was made after Detective Gaeta's admissions.
- On August 9th, 2017, my legal team received a copy of the WatchGuard video recorded from Deputy Russ Reynolds' in-vehicle camera and wearable audio recorder from the morning of Marcia Sohl's call. This video was uploaded to your agency's server on or about the date of recording, which was January 11th, 2017, as stated by Deputy Reynolds in his sworn testimony. Your agency had this video in your possession and did not at any time provide it to me or even make me aware of its existence at any point in the Internal Affairs investigation, contrary to the Law Enforcement Officer's Bill of Right as provided by Florida State Statute 112.532(1)(d) which states "The complaint, all witness statements, and all other existing evidence, including,

but not limited to, incident reports, GPS locator information, and audio or video recordings relating to the incident under investigation, must be provided to each officer who is the subject of the complaint before the beginning of any investigative interview of that officer.” At no time did your agency provide me with this video, and I did not receive it until it was provided to my attorneys as part of the Discovery from the State Attorney’s Office well after the completion of any Internal Affairs interviews and hearings.

- Detective Gaeta asserted that I eliminated a spot assumed to be blood at Marcia Sohl’s residence and prevented it from being discovered and analyzed by Crime Scene Technicians. This allegation was provided to media outlets and published in newspapers across the country. After a review of the Discovery as provided by the State Attorney’s Office, I discovered that Crime Scene Technicians actually captured the spot in several photographs, however their negligent investigation at the scene resulted in them failing to observe the spot and collect it. I did not prevent the collection of this spot as evidence. Had Jerry Wagner conducted a thorough investigation at the scene he would have observed the spot that he captured in the photograph and would have been able to process it accordingly.
- Your agency omitted critical information when you submitted documentation to the Florida Department of Law Enforcement and the Criminal Justice Standards and Training Commission regarding my arrests and termination. The Florida Department of Law Enforcement and the Criminal Justice Standards and Training Commission proceeded to move forward with revoking my State of Florida Law Enforcement Certification, due to the information provided by your agency regarding my misdemeanor and felony criminal charges and termination. Your agency failed to submit information that included documentation that would be deemed exculpatory in my case, as well as any evidence or documentation that showed any of the wrong doing committed by members of your agency. This included the violations of my Federal Civil Rights in addition to violations of the Law Enforcement Officer Bill Of Rights and the Federal Protection provided under Garrity. This is without question a violation of the Professional Compliance Process set forth by The Florida Department of Law Enforcement -Criminal Justice Professionalism. According to Florida Administrative Code 11B-27.003(2b7) – If the internal investigation sustains the allegation, then the agency shall submit the investigative findings and all supporting documentation to the Commission through the Commission’s Staff at the Florida Department of Law Enforcement. After a tireless fight and providing FDLE and the CJSTC with all of the related documentation and evidence that your agency failed to submit, FDLE’s legal team moved forward with a Voluntary Dismissal of all administrative charges against me and allowed me to retain my State of Florida Law Enforcement Certification.

All documentation and evidence to prove every point of this complaint should be found within your agency’s records; however should you need any of this documentation I would be happy to provide it to you.

Regards,

Carson Plank



FLORIDA
DEPARTMENT of
CORRECTIONS

Governor

RICK SCOTT

Secretary

JULIE L. JONES

501 South Calhoun Street, Tallahassee, FL 32399-2500

<http://www.dc.state.fl.us>

9/4/2018

State Attorney's Office
Twelfth Judicial Circuit
2071 Ringling Blvd
Sarasota, FL 34237

Dear Assistant State Attorney, (Sterbinsky, W.)

RE: **PRETRIAL INTERVENTION PROGRAM STATUS**

Offender Name: Carson Plank DC#: S42988 County: SARASOTA Case #: 2017CF006321NC
Address: [REDACTED]

The following notification is provided regarding the above offender's Pretrial Intervention program status with the Florida Department of Corrections:

☒ The offender has completed the terms and conditions of PTI effective 09/05/2018 and the case is being returned for the state to dismiss the charges.

If you have any questions regarding the above, please contact me at the following telephone number or address: 399 6th Ave East, Bradenton, FL 34205 941-527-4952/ Chad.Lee@FDC.MyFlorida.com

Sincerely,

Chad Lee
Correctional Probation Officer

SAO Agrees _____

Kenneth Lyons
Correctional Probation Senior Supervisor

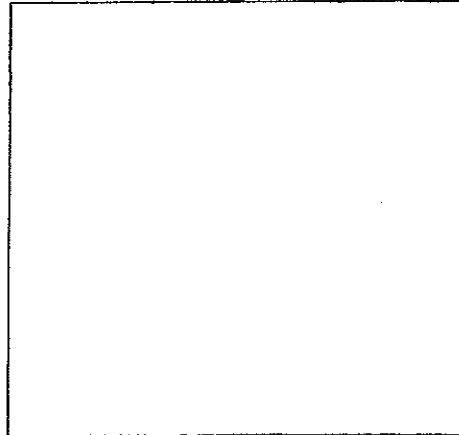
SAO Disagrees _____

Trust ★ Respect ★ Accountability ★ Integrity ★ Leadership

State of Florida
vs.
CARSON LEE PLANK
Defendant

In the Circuit Court of
Sarasota County, Florida
Case # 2017CF006321NC

DC # *S42988*



PRE-TRIAL DIVERSION CONTRACT

It being alleged that you have committed the following offenses of:

- Count 1: TAMPERING WITH PHYSICAL EVIDENCE F.S. 918.13 [3rd Degree Felony]
Count 2: TAMPERING WITH PHYSICAL EVIDENCE F.S. 918.13 [3rd Degree Felony]
Count 3: FALSE INFORMATION TO LEO DURING FELONY INVEST. F.S. 837.055(1)[1st degree MM]

It appears that after an investigation of the offenses and your background that the interest of the State of Florida would best be served by granting you the opportunity to enter into a Pre-Trial Diversion Program for a period of 12 months.

By signing this agreement, the above-named defendant agrees to abide by the following conditions:

Not later than the fifth day of each month, unless otherwise directed, you will make a full and truthful report to your Officer on the form provided for that purpose.

- (1) You will pay the State of Florida the amount of \$30.00 monthly plus a 4% surcharge for cost of your supervision.
- (2) You will not change your residence or employment or leave the county of your residence without first procuring the consent of your officer.
- (3) You will not possess, carry, or own any firearm during this pre-trial diversion term.
- (4) You will remain at liberty without violating the law. A conviction in a court of law is not necessary to violate this contract.
- (5) You will not associate with any person engaged in any criminal activity.
- (6) You will not use intoxicants to excess or possess any drugs or narcotics unless prescribed by a physician, nor will you visit places where intoxicants, drugs, or other dangerous substances are unlawfully sold, dispensed, or used.
- (7) You will work diligently at a lawful occupation, advise your employer of your probation status, and support any dependents to the best of your ability, as directed by your officer.
- (8) You will promptly and truthfully answer all inquiries directed by the officer, and allow your officer to visit in your home, at your employment site, or elsewhere; and you will comply with all instructions your officer may give you.
- (9) You will submit to and pay for urinalysis, Breathalyzer, or blood tests at any time requested by your officer to determine possible use of alcohol, drugs, or controlled substances.



Defendant CARSON LEE PLANK Case # 2017CF006321NC

(10) You will pay all monetary obligations via money order payable to the Department of Corrections in equal monthly installments with final payment due 90 days prior to termination. A 4% surcharge will be assessed and victim restitution shall take precedence over all other obligations.

- ☒ Cost of Prosecution in the amount of \$100.00
- ☒ Drug testing fee in the amount of \$30.00
- ☒ Department of Correction Training Trust Fee in the amount of \$2.00 per month
- ☒ 50 hours of Public Service

The defendant understands that failure to successfully meet the conditions contained in this agreement may result in referral of the case to the State Attorney for criminal prosecution.

The defendant has consulted with an attorney, or specifically waives the right to an attorney, and understands a defendant's Constitutional Rights, including, but not limited to, the right to a trial by jury, the right to remain silent, and the right to a speedy trial. By signing this agreement, the defendant is specifically waiving, or giving up, the right to remain silent. The defendant also agrees to waive/give up the right to a speedy trial as set forth in the Florida Rules of Criminal Procedure, and as established by Federal or State Constitutional law. The defendant also waives formal arraignment in this case.

The undersigned Assistant State Attorney agrees that if the defendant successfully completes the Pre-Trial Release Program, the Information filed herein will be dismissed. Nothing herein should be construed as prohibiting the State from using the actions of the defendant that are the subject of this agreement as evidence in any subsequent prosecution for any other crime(s), subject to the rules of evidence.

The defendant, by signing this agreement, acknowledges that she has no prior felony convictions, that she has read and/or had the contract explained to her, and that she fully understands the contents herein.

Karen Fraivillig 4.27.2018
KAREN FRAIVILLIG Date
Division Chief- Homicide
State Attorney's Office

[Signature] 4/27/18
Defense Attorney Date

[Signature] 4/27/18
Defendant Date

[Signature] 4/30/2018
Correctional Probation Officer Date

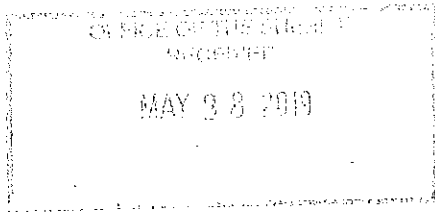
[Signature] 4/30/2018
Date

Defendant address: 1305 NORTH LAKESHORE DRIVE, SARASOTA, FL, (941) 466-8295

Original: Clerk of court

Certified Copies: Defendant / Florida Department of Corrections, Probation and Parole Services





FILED WITH THE CLERK OF THE CJS&T
COMMISSION THIS 20th DAY OF
May, 2019
BY Kevin C. Buep
DEPUTY CLERK

STATE OF FLORIDA
CRIMINAL JUSTICE STANDARDS AND TRAINING
COMMISSION

FLORIDA DEPARTMENT OF
LAW ENFORCEMENT
Petitioner,

-vs-

CASE NUMBER: 41543
Certificate No.: 326122

CARSON L. PLANK,
Respondent.

FINAL ORDER

This matter came before the Criminal Justice Standards and Training Commission (the Commission) at a public meeting on May 2, 2019 in Jupiter, Florida, upon the request of Petitioner's staff counsel to voluntarily dismiss the Administrative Complaint filed in this case. Having read the materials in the case file, having heard the arguments of counsel and being otherwise fully advised, the Commission approves the request to enter a voluntary dismissal.

It is therefore ORDERED AND ADJUDGED that the Administrative Complaint filed in this matter is hereby DISMISSED.

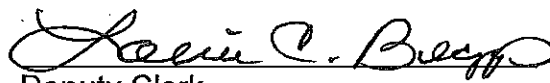
SO ORDERED this 20th day of May, 2019.

CRIMINAL JUSTICE STANDARDS
AND TRAINING COMMISSION

Edward L. Griffin
EDWARD L. GRIFFIN
CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to
CARSON L. PLANK, 1305 North Lakeshore Dr., Sarasota, FL 34231; and to Lisa Chittaro,
esq, 200 S Washington Blvd Ste 7, Sarasota, FL 34236, by U.S. Mail on or before 5:00
P.M., this 20th day of May, 2019.


Deputy Clerk

cc: Sarasota County Sheriff's Office

AT

STATE OF FLORIDA
CRIMINAL JUSTICE STANDARDS AND TRAINING
COMMISSION

For
File

FLORIDA DEPARTMENT OF LAW ENFORCEMENT

Petitioner,

vs.

CASE NO. 41543

Carson L. Plank,

Respondent.

ADMINISTRATIVE COMPLAINT

The Florida Department of Law Enforcement, hereinafter referred to as the Petitioner, files this Administrative Complaint against the Respondent, Carson L. Plank. The Petitioner seeks to impose disciplinary action upon the referenced individual based on the following allegations:

1. Respondent was certified by the Criminal Justice Standards and Training Commission on July 31, 2015 and was issued Law Enforcement Certificate Number 326122.

2. (a) On or about January 12, 2017, the Respondent, Carson L. Plank, did unlawfully, knowing that a criminal trial, proceeding, or investigation by a prosecuting authority, law enforcement agency, grand jury, or legislative committee was pending or about to be instituted, alter, destroy, conceal or remove photograph of blood with hair, with the purpose of impairing its verity or availability.

(b) On or about January 12, 2017, the Respondent, Carson L. Plank, did unlawfully as a public servant, with the intent to obstruct, impede, or prevent a criminal investigation or a criminal prosecution, did disclose active criminal investigation or intelligence information regarding either the efforts to secure or the issuance of a warrant, subpoena, or other court process or court order relating to a criminal investigation or criminal prosecution, when such information is not available to the general public and is gained by reason of Respondent's official position, to wit: discussed details of an ongoing criminal investigation with the subject of the investigation.

3. The actions of the Respondent did violate the provisions of Section 918.13; 838.21 or any lesser included offenses, Section 943.1395(7), Florida Statutes and Rule 11B-27.0011(4)(a); (a), Florida Administrative Code, in that Respondent has failed to maintain the qualifications established in Section 943.13(7), Florida Statutes, which require that a Law Enforcement officer in the State of Florida have good moral character.

4. This Administrative Complaint is issued pursuant to Sections 120.60 and 943.1395(7), Florida Statutes and Rule 11B-27.004(4), Florida Administrative Code. Any proceedings concerning this Complaint shall be conducted pursuant to Sections 120.569 and 120.57, Florida Statutes, and Chapters 11B-27, 28-106, and 28-107, Florida Administrative Code. Mediation is not available under Section 120.573, Florida Statutes.

WHEREFORE, it is alleged that the Respondent, Carson L. Plank, is guilty of violating Sections 943.1395(7) and 943.13(7), Florida Statutes and Rule 11B-27.0011(4)(a); (a), Florida Administrative Code.

NOW, THEREFORE, the Petitioner hereby complains against Carson L. Plank and alleges that an appropriate penalty, as provided in Section 943.1395(7), Florida Statutes, should be imposed for the reasons set forth above and in accordance with the Election of Rights form (to which is attached an Explanation of Rights form) attached hereto and incorporated herein.

SIGNED THIS 12th DAY OF FEBRUARY, 2019.


DEAN REGISTER, Director
Criminal Justice Professionalism

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been served pursuant to Section 120.569 and Section 120.60, Florida Statutes, this 12th day of February, 2019, to Carson L. Plank, at 1305 North Lakeshore Drive, Sarasota, Florida 34231.


DEAN REGISTER, Director

/sb

cc: Sarasota County Sheriff's Office